

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, January 7, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:00PM.

Council Members Present: Will Dujardin, Chris Haver, Kent Cowherd, Jackson Petito, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald and Town Attorney Barbara Green

Town Clerk Lynelle Stanford, Public Works Director Shea Earley, Community Development Director Michael Yerman, Town Planner Bob Nevins, and Parks and Recreation Director Janna Hansen (for part of the meeting)

APPROVAL OF AGENDA

Schmidt stated that item #2 from New Business would be removed from the agenda, and MacDonald confirmed #3 was to be removed from the Consent Agenda.

Merck moved and Dujardin seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

EXECUTIVE SESSION

Schmidt read the reason for Executive Session: For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

Merck moved and Mitchell seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 7:03PM. The Council returned to open meeting at 7:30PM. Mayor Schmidt made the required announcement upon returning to open meeting.

CONSENT AGENDA

- 1) December 17, 2018 Regular Town Council Meeting Minutes.**
- 2) Resolution No. 1, Series 2019 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte's Three Official Public Places for Posting Town Council Meetings and Other Important Items.**

3) Big Mine Ice Arena Services Agreement between the Town of Crested Butte and Crested Butte Nordic.

4) Authorization of the Town Council to Provide a Letter of Support for the Gunnison County Sustainable Tourism and Outdoor Recreation Committee GOCO Stewardship Impact Grant and Appropriating a \$5,000 Match From the Town's Conservation Trust Fund in 2019.

Schmidt mentioned that #3 had already been removed from the Consent Agenda.

Haver moved and Mitchell seconded a motion to approve the Consent Agenda with the removal of item #3. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

None

STAFF UPDATES

- MacDonald informed the Council that Dan Greene would be moving to a rehab facility tomorrow.
- Earley updated on the water main break that occurred at 7th and Elk. They were hoping to be done with the repair tomorrow.
- MacDonald asked for clarity on direction for Staff looking at ways to shorten meetings.
- Ride the Rockies requested parking for a week's duration. They were seeking 500 additional parking spaces. The Council would discuss under Other Business.
- MacDonald mentioned that the legislative update webinar had been postponed to a later date.
- MacDonald updated on the school district's plans.
- Stanford reminded the next meeting would be on a Tuesday.

PUBLIC HEARING

1) WTP Improvements Project: Environmental Assessment Public Hearing.

Earley reported that the Town would be applying for a loan from the State Revolving Fund (SRF) for the water treatment plant upgrades. Per requirements of the SRF, an environmental assessment was done. Letters were sent to various agencies for their review. Earley anticipated a finding of no significant impact.

Schmidt confirmed proper public notice was given. There were no questions on the environmental assessment. Earley updated on funding for the project and the timeline. There were no comments from the public, and the public hearing was closed.

2) Ordinance No. 30, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Articles 1, 5 and 8 of the Crested Butte Municipal Code to Include Definitions and Requirements for Formula Businesses in the “T” Tourist and “C” Commercial Zone Districts.

Schmidt read the title of the ordinance, and he confirmed proper public notice had been given. Nevins presented on the purpose of the ordinance. He reviewed what was accomplished by the ordinance. Nevins outlined the definition of formula business and what would be allowed in specific zone districts. He explained what had been done to reach out to the public. Merck questioned what would occur with a change in ownership to an existing business. Nevins then reported on exempted businesses. No one from the public chose to comment. The public hearing was closed. Cowherd related the ordinance to the values identified by the Council.

Haver moved and Petito seconded a motion to approve the second reading of Ordinance No. 30, Series 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 31, Series 2018 - An Ordinance of the Crested Butte Town Council to Approve Stipulation Regarding Ownership and Easements for the Heights Open Space Property and for Dismissal of Action in Civil Action No. 2018-CV-30008, Gunnison County District Court.

MacDonald explained that this ordinance was the outcome of mediation, and it represented the proposed settlement. Schmidt confirmed proper public notice had been given. Cowherd questioned payment from the Town for the parcels. No one from the public commented, and the public hearing was closed.

Merck moved and Dujardin seconded a motion to approve Ordinance No. 31, Series 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

4) Ordinance No. 32, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 16, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to the Gunnison Watershed School District RE1J for the Sale Price of \$590,000.00.

Schmidt read the title of the ordinance, and he confirmed proper public notice had been given. Yerman explained the ordinance was for the sale of a duplex to the school district. The public hearing was opened. Schmidt asked for public comment. No one at the meeting chose to comment. The public hearing was closed.

Haver moved and Petito seconded a motion to approve Ordinance No. 32, Series 2018 to sell a duplex located on Lot 16, Block 79 to the Gunnison Watershed School District RE1J for the amount of \$590,000. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

Schmidt reported on the outcome of the work session with Mt. Crested Butte. The two Councils settled on three items to require of the developer: 1) five acres would be set aside; 2) there would be two parking spaces per unit; and 3) there would be 156 units on the remaining land.

David Leinsdorf - 3 Treasury Hill Road

- The discussion and consensus were similar to what they were 3 ½ months ago.
- The devil was in the details.
- He urged the Council to be involved in the drafting of the joint letter.

NEW BUSINESS

1) Fat Bike World Championships Special Event Application with a Contingency Plan to Use the Gravel Pit Area on Saturday, January 26, 2019 Including a Special Event Liquor Permit and Road Closures for a Winter Townie Crit on Sunday, January 27, 2019 Closing the 200 and 300 Blocks of Elk Avenue from 8AM to 1:30PM and Closing 2nd Street Between Elk Avenue and Butte Avenue, Closing Butte Avenue Between 2nd and 5th Streets, Closing 4th Street Between Elk and Butte Avenues (Local Access Maintained) from 10:30AM to 1:30PM.

Ashley UpChurch, Chamber Director, was present at the meeting. She introduced Kat Cooke and Laura Puckett-Daniels. UpChurch reviewed the contingency plan that would take place in Town. She described the townie crit. She stated that the crit would be open to riders of any type of bike, and they were not trying to create the winter Chainless. UpChurch reported that course marshals would be stationed at every intersection.

Haver moved and Merck seconded a motion to approve the Fat Bike World Championships special event application and special event liquor permit. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Discussion on Closing a Portion of Elk Avenue for the Crested Butte Wine and Food Festival Proposed by The Center for the Arts.

Discussion removed from the agenda.

3) Discussion on The ARTumn Festival for 2019.

Stanford reviewed background on the event, including that there had been issues experienced by the public, to which event organizer, Stephen Wallis, had responded. Haver explained the reasoning behind the discussion on the event. Wallis described the event. Mitchell questioned the remittance of sales tax. Cowherd did not think the event had a large impact on Town, and he did not think it was something Town needed to

prohibit. Merck agreed. The Council directed Staff to continue with processing the special event application.

4) Discussion on Council Code of Conduct.

Green recognized the existing Code of Conduct (Code) prohibited Council members from participating in a decision in which there was a conflict of interest. The Council members had to decide for themselves on the discussion for tonight. Petito recused himself and left the room. Cowherd thought he could go in front of BOZAR and remain on the Council. He then recused himself and left the room. Green reviewed the section of the Town Code that prompted the discussion. Schmidt outlined the reasons that he brought forth the agenda item. He felt good about leaving the Code the way it was. Green brought the Council's attention to the intent. The Code was not a guideline; it was mandatory. She reviewed consequences, remedies, and sanctions that could occur as a result of breaking the Code. She summarized that the Code was written such that a Council member chose the Town ahead of private business dealings. Haver wondered what the options were. Green said a Council member could appoint someone to come in to present on his or her behalf. The Council decided to keep the Code of Conduct as written, and there was no action taken.

Petito and Cowherd returned to the meeting. Schmidt updated them on the outcome of the discussion.

5) Ordinance No. 1, Series 2019 (Emergency Ordinance) - An Ordinance of the Crested Butte Town Council Declaring a Temporary Moratorium On Demolition and the Processing and Approval of Applications for Demolition of Permanent Structures Within the Town of Crested Butte Pending Amendment of the Municipal Code of the Town of Crested Butte.

Yerman reviewed background on the agenda item, including background on Ordinance No. 26, Series 2018. Staff and BOZAR needed more time, so they were asking for a moratorium on the demolition of structures. Green explained the process for an emergency ordinance. Schmidt affirmed the vote needed to be 5-2 tonight to pass the ordinance, as well as when the ordinance would be ratified.

Greg Faust spoke, and Jimmy Faust was present.

- Cited a project at 729 Whiterock that could be affected by the moratorium.
- G. Faust explained their intent and provided pictures of the property.

There was discussion on the timing of the moratorium and how it would affect the Faustus. Yerman reported on feedback heard from the public.

Mitchell moved and Dujardin seconded a motion to approve Ordinance No. 1, Series 2019 acknowledging on January 22nd we won't take public comment on Ordinance No. 26 because we are withdrawing it. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Paul Merck

- He would attend a STOR meeting on Thursday.
- The Center was on schedule. Schmidt asked about an endowment.
- Merck's wife and Roland Mason were being sworn-in tomorrow.

Laura Mitchell

- Attended a Mountain Express meeting. They ratified the budget.
- Mountain Express moved 10,200 people on Christmas Eve.

Jackson Petito

- There was a Housing Foundation meeting last month. They talked about down payment assistance programs. They would visit properties that abut the Brush Creek property. There would be a retreat on February 27th.

Chris Haver

- Attended Chamber meeting. Crafted would be held at The Lodge at Mountaineer Square.

Kent Cowherd

- He had a RTA meeting coming up.
- The Creative District would have an all-day retreat this week.

Will Dujardin

- Attended Community Builders Task Force meeting. He thanked Haver for accepting the position of co-chair.
- They were looking for a board member for the GVH Board.

Jim Schmidt

- He would have a housing meeting this week. He attended mayor/managers and a meeting with CBMR. He would attend CAST next week.
- There was an airplane that made an emergency landing in Gunnison.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Realtors had approached Merck after the ADU decision, and there were buildings for sale. MacDonald said the next work session was planned to discuss options. Dujardin brought up a deed restriction program that he had previously mentioned.

Schmidt referred to a letter he sent to the Post Office. He received an email back from the Postmaster, and they were working to set up a date to meet. Merck talked with the

previous Postmaster who cited difficulty with staffing. Petito commended the employees for working with what they had.

Next, the Council discussed parking for Ride the Rockies. MacDonald estimated they could get 300 vehicles parked head-in at the gravel pit. She understood that Ride the Rockies engaged in a conversation with Bill Lacy. Haver thought they could explore parking at the gravel pit, and the Council agreed with Haver.

Schmidt referenced a memo from MacDonald. She had the opportunity to go on a three-week tour of the Grand Canyon. Dujardin and Mitchell thought it was fine. Cowherd wanted to think about it. No one else voiced objection to discussing. Schmidt recognized it as an opportunity. Green said it was the Council's decision that did not require public comment. The majority of the Council consented to MacDonald's absence.

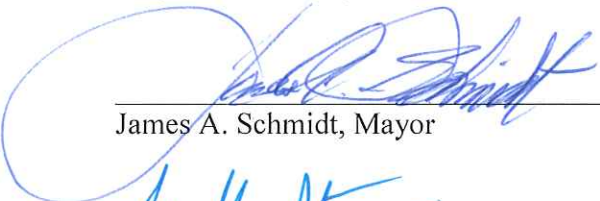
DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE


- *Tuesday*, January 22, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, February 19, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt wondered when the annexation would come forward to the Council. MacDonald would follow-up.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:27PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk (SEAL)

